IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:07-CV-472-FDW 3:02-CR-00176-FDW

GREGORIO RANGEL JR.,)	
Petitioner,)	
,)	ODDED
vs.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.	j	
)	

THIS MATTER comes now before the Court upon Petitioner's "letter, in lieu of a more formal pleading" (Doc. No. 4, Case No. 3:02-cr-00176). Petitioner contends that the Bureau of Prisons ("BOP") has wrongfully placed a "detainer" on him. (<u>Id.</u>)

The record indicates an arrest warrant has been issued as to Petitioner for violating the terms of probation and/or supervised release (Doc. No. 3, Case No. 3:02-cr-00176). Because Petitioner was in state custody, this Court issued an arrest warrant, which, in effect, caused a detainer to be placed on Petitioner so that he is not released following the completion of his state sentence.

As an initial matter, the Court notes that Petitioner's letter should be construed as a motion for writ of habeas corpus under 28 U.S.C. § 2241. Petitioner's motion is more properly a § 2241 petition because that section "applies to attacks on the execution of a sentence," including Petitioner's argument that the BOP has improperly placed him under detainer. Petitioner, however, has failed to present any legal argument as to why the detainer should be lifted. His assertion that

¹Accordingly, the Clerk has designated the letter as a Petition for Writ of Habeas Corpus and assigned a new civil case number.

the detainer is "depriving me programs" that provided to the other inmates is insufficient. Petitioner's motion for writ of habeas corpus under 28 U.S.C. § 2241 is therefore DENIED.

IT IS SO ORDERED.

Signed: November 5, 2007

Frank D. Whitney

United States District Judge